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Calendar No. 546

111TH CONGRESS
2d Session

SENATE

REPORT
111–276

Clemson University
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NATIONAL PARK SERVICE AUTHORITIES AND CORRECTIONS ACT

AUGUST 5, 2010.—Ordered to be printed

Mr. BINGAMAN, from the Committee on Energy and Natural Resources, submitted the following

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REPORT

[To accompany H.R. 3804]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 3804) to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE

The purpose of H.R. 3804 is to make technical corrections to various Acts affecting the National Park Service, and to extend, amend, or establish certain NPS authorities.

BACKGROUND AND NEED

H.R. 3804 combines several authorizations, reauthorizations, and technical corrections for various units of the National Park System and activities of the National Park Service.

Among other items, the bill authorizes ten-year extensions of the National Park System Advisory Board and the National Park Service Concessions Management Advisory Board. The National Park System Advisory Board, first authorized in 1935 under the Historic Sites, Buildings, and Antiquities Act, advises the Director of the National Park Service (NPS) and the Secretary of the Interior (Secretary) on matters relating to the NPS, the National Park System, and programs administered by the NPS. The Concession Management Advisory Board (Board) was established in 1998 by Public Law 105–391, and is composed of seven members appointed by the

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Secretary. The Board's purpose is to advise the Secretary and the NPS on matters relating to the effective management of concessions in the National Park System. The Board helps make recommendations on ways to make the concession programs more cost effective, mitigate impacts of concession operations on park resources, improve visitor services, and allocate concession fees.

Another provision of H.R. 3804 provides for uniform, consistent penalties for each violation, regardless of where it occurs. The bill also raises the authorization ceiling for the popular Volunteers in Parks (VIP) program from $3.5 million to $10 million.

Title II of H.R. 3804 allows the World War II Valor in the Pacific National Monument (formerly known as the USS *Arizona* Memorial) in Hawaii to offer joint ticketing services at the monument's new visitor center. This would enable the NPS to offer visitors a central location to buy tickets for the various Pearl Harbor sites. H.R. 3804 would not change the law prohibiting the NPS from charging an entrance fee at the USS *Arizona*.

The bill authorizes a land exchange between the George Washington Memorial Parkway in Virginia and Federal Highway Administration to allow better public access to the Claude Moore Colonial Farm, inside the parkway boundaries, and better security for the FHA's Turner-Fairbank Highway Research Center, which is adjacent to the parkway. Transfer of administrative jurisdiction would occur without reimbursement or consideration.

The bill also changes the designation of the Martin Luther King, Junior, National Historic Site to the Martin Luther King, Jr. National Historical Park, to better reflect the size and complexity of the unit, and adjusts the boundary of the Lava Beds National Monument in California to correct errors in the boundary of the 1972 law that designated wilderness at Lava Beds National Monument. Through the substitution of a new wilderness boundary map, certain improved areas would be excluded from wilderness and other areas that are appropriate for designation would be included for a net increase of 399 acres in the actual amount of designated wilderness.

The bill also includes provisions regarding the removal of snow and ice around Federal buildings in the District of Columbia. Under a 1922 law, the National Park Service Director is required to remove snow, sleet, and ice from around Federal buildings within a reasonable time period after snow or sleet ceases to fall or after ice has accumulated. In practice, the General Services Administration has for many years required the Federal agencies occupying the building to remove snow. H.R. 3804 would amend the law to reflect current practice.

The final title of H.R. 3804 makes technical corrections for six provisions in Public Law 111–11, the Omnibus Public Land Management Act of 2009. The changes include correcting section numbers and titles, and fixing typographical errors.

Legislative History

H.R. 3804, sponsored by Representative Tonko, passed the House of Representatives by a voice vote on December 7, 2009.

The Subcommittee on National Parks held a hearing on H.R. 3804 on March 17, 2010. The Committee on Energy and Natural Resources considered the bill at its business meeting on June 16,

2010, and ordered H.R. 3804 favorably reported without amendment at its business meeting on June 21, 2010.

Committee Recommendation

The Committee on Energy and Natural Resources, in open business session on June 21, 2010, by a voice vote of a quorum present, recommends that the Senate pass H.R. 3804.

Section-by-Section Analysis

Section 1 provides the short title as the "National Park Service Authorities and Corrections Act of 2009" and provides a table of contents.

TITLE I—NATIONAL PARK SERVICE AUTHORIZATIONS

Section 101 reauthorizes the National Park System Advisory Board through fiscal year 2020.

Section 102 reauthorizes the National Park Service Concessions Management Advisory Board through fiscal year 2019.

Section 103 provides that violations in National Park System units shall be subject to the penalty provision set forth in section 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly known as the "National Park Service Organic Act") and section 3571 of title 18, United States Code.

Section 104 increases the funding authorization for the Volunteers in the Parks program from $3,500,000 to $10,000,000.

TITLE II—PEARL HARBOR TICKETING

Section 201 defines key terms used in the title.

Section 202 allows the Secretary of the Interior (Secretary) to enter into an agreement with the organizations authorized to manage a Pearl Harbor historic site to allow visitors to gain access to those sites by passing through security screening at the Pearl Harbor Naval Complex Visitor Center and for ticket sales, by either National Park Service employees or the organizations that manage a Pearl Harbor historic site. Organizations managing a Pearl Harbor historic site must pay the Secretary a reasonable fee to cover administrative costs, and that revenue is to remain available, without further appropriation, for use by the National Park Service at the World War II Valor in the Pacific National Monument. The section outlines other administrative requirements and specifies that the Secretary shall have no authority to charge an entrance fee for admission to the World War II Valor in the Pacific National Monument.

Section 203 clarifies that nothing in this Act authorizes the Secretary or any organization that manages a Pearl Harbor historic site to harm the values and resources of the World War II Valor in the Pacific National Monument.

TITLE III—CHANGES TO NATIONAL PARK UNITS

Section 301 directs the transfer of administrative jurisdiction of certain Federal land comprising less than one acre between the Claude Moore Colonial Farm (a National Park Service property within the George Washington Memorial Parkway in Virginia) and

the Federal Highway Administration's Turner-Fairbank Highway Research Center.

Section 302 amends a 1922 law (42 Stat. 845, ch. 318) that made it the responsibility of the National Park Service to remove snow from the sidewalks and crosswalks in front of Federal buildings. Under this change, the law will reflect the current practice whereby each Federal agency will be responsible for the removal of snow, sleet, or ice from paved sidewalks and crosswalks in front of their own buildings.

Section 303 renames the Martin Luther King, Junior, National Historic Site in the State of Georgia as the Martin Luther King, Jr. National Historical Park, and directs conforming changes in Federal documents and signs.

Section 304 corrects the acreage numbers for two wilderness areas within Lava Beds National Monument, to reflect more accurate mapping.

TITLE IV—TECHNICAL CORRECTIONS

Section 401 amends the Omnibus Public Land Management Act of 2009 (Public Law 111–11) to correct typographical and other technical errors relating to the Baltimore National Heritage Area.

Section 402 amends the Omnibus Public Land Management Act of 2009 (Public Law 111–11) to correct typographical and other technical errors relating to the Muscle Shoals National Heritage Area.

Section 403 amends the Omnibus Public Land Management Act of 2009 (Public Law 111–11) to correct typographical and other technical errors relating to the Snake River Headwaters wild and scenic river designation.

Section 404 amends the Omnibus Public Land Management Act of 2009 (Public Law 111–11) to correct typographical and other technical errors relating to the Taunton River wild and scenic river designation.

Section 405 amends the law establishing Cumberland Island National Seashore (Public Law 92–536) to correct a typographical error.

Section 406 corrects a typographical error in the Consolidated Natural Resources Act of 2008 (Public Law 110–229) relating to the Niagara Falls National Heritage Area.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of costs of this measure has been provided by the Congressional Budget Office:

H.R. 3804—National Park Service Authorities and Corrections Act of 2009

Summary: H.R. 3804 would make a variety of changes to policies and procedures of the National Park Service (NPS) as well as to laws governing NPS property management. The act also would raise the current ceiling on amounts authorized to be appropriated for the NPS volunteer program. Based on information provided by the NPS and assuming appropriation of the necessary amounts, CBO estimates that carrying out the volunteer program under the act would cost $24 million over the 2011–2015 period.

The act also would adjust certain fines and penalties for violations of various laws on properties managed by the NPS. Changing those fines and penalties could increase revenues; therefore, pay-as-you-go procedures would apply, but CBO estimates that any increases would be insignificant.

H.R. 3804 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 3804 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—					
	2011	2012	2013	2014	2015	2011–2015
CHANGES IN SPENDING SUBJECT TO APPROPRIATION						
Estimated Authorization Level	3	6	6	6	6	27
Estimated Outlays	1	5	6	6	6	24

Basis of estimate: For this estimate, CBO assumes that H.R. 3804 will be enacted near the end of 2010 and that the necessary amounts for the volunteer program will be appropriated for each year. Estimates of outlays are based on historical spending patterns of programs that support volunteer workers in the national parks.

H.R. 3804 would raise the current ceiling on amounts authorized to be appropriated for the NPS volunteer program from $3.5 million to $10 million annually. In 2010, the program received an appropriation of about $3 million. Based on information provided by the NPS, CBO estimates that, under the legislation, the program would expand by 2012 to reach an annual cost of $10 million. Costs for implementing the bill would total $24 million over the 2011–2015 period, assuming appropriation of the necessary amounts.

The legislation also would extend the terms of two advisory boards to the NPS, permit the NPS to enter into agreements with nonprofit organizations at Pearl Harbor, designate the current Martin Luther King, Junior, National Historical Site as an historical park, correct errors in the boundaries of the Lava Beds National Monument, authorize a transfer of land between the NPS and the Department of Transportation, clarify policies regarding the responsibility for snow removal by federal agencies, and make technical changes to laws governing properties managed by the NPS. Based on information from the NPS, CBO estimates that none of those changes would have a significant effect on the federal budget.

Pay-as-you-go considerations: Enacting H.R. 3804 could increase revenues, but CBO estimates that any such increases would be insignificant.

CBO ESTIMATE OF THE STATUTORY PAY-AS-YOU-GO EFFECTS FOR H.R. 3804, THE NATIONAL PARK SERVICE AUTHORITIES AND CORRECTIONS ACT OF 2009, AS REPORTED BY THE SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES ON JUNE 21, 2010

	By fiscal year, in millions of dollars—											
	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2011–2015	2011–2020
NET INCREASE OR DECREASE (–) IN THE DEFICIT												
Statutory Pay-As-You-Go Impact	0	0	0	0	0	0	0	0	0	0	0	0

Intergovernmental and private-sector impact: H.R. 3804 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Previous CBO estimate: On December 3, 2009, CBO transmitted a cost estimate for H.R. 3804 as ordered reported by the House Committee on Natural Resources on November 18, 2009. The two versions of the legislation are very similar. The CBO cost estimate for the version of the legislation ordered reported by the Senate Committee on Energy and Resources supersedes the earlier CBO cost estimate, which contained an error that overstated the cost of implementing the legislation.

Estimate prepared by: Federal Costs: Martin von Gnechten; Impact on State, Local, and Tribal Governments: Melissa Merrell; Impact on the Private Sector: Amy Petz.

Estimate approved by: Theresa Gullo, Deputy Assistant Director for Budget Analysis.

Regulatory Impact Evaluations

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 3804.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 3804, as ordered reported.

Congressionally Directed Spending

H.R. 3804, as reported, does not contain any congressionally directed spending items, limited tax benefits, or limited tariff benefits as defined in rule XLIV of the Standing Rules of the Senate.

Executive Communications

The testimony provided by the National Park Service at the March 17, 2010 Subcommittee hearing on H.R. 3804 follows:

STATEMENT OF DANIEL N. WENK, DEPUTY DIRECTOR, NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR, AUTHORITIES, AND FOR OTHER PURPOSES

Mr. Chairman and members of the subcommittee, thank you for the opportunity to present the views of the Department of the Interior on H.R. 3804, a bill to make technical corrections to various Acts affecting the National Park Service, to extend, amend, or establish certain National Park Service authorities, and for other purposes.

The Department supports H.R. 3804, which addresses several issues that are important to the National Park Service (NPS). The Department testified in support of this bill before the House Subcommittee on National Parks, Forest and Public Lands in a hearing on November 5, 2009. The bill passed the House on December 7, 2009. We will discuss each of the portions of the bill separately in this testimony.

H.R. 3804 would authorize ten-year extensions to the National Park System Advisory Board and the National Park Service Concessions Management Advisory Board. The bill also would standardize the penalties for violations of NPS regulations at military parks and national historic sites and would raise the ceiling for annual appropriations used to fund the Volunteers in the Parks Program. The bill would authorize the Secretary of the Interior (Secretary) to enter into an agreement with nonprofit organizations or other entities that manage or administer historic sites at Pearl Harbor and to allow the sale of tickets to those historic sites by NPS staff or employees of the organizations that administer the historic sites. In addition, H.R. 3804 would authorize a land exchange to address a long-standing access issue on the George Washington Memorial Parkway and would amend the D.C. Snow Removal Act of 1922 to clarify which federal agency is responsible for clearing snow from sidewalks and crosswalks in front of or around public buildings in the District of Columbia. The Martin Luther King, Junior, National Historic Site would be redesignated as a National Historical Park and the boundary of the Lava Beds National Monument Wilderness would be adjusted. Finally, the bill would make technical corrections to laws for a national seashore, wild and scenic rivers, and national heritage areas.

SECTION 101: NATIONAL PARK SYSTEM ADVISORY BOARD

H.R. 3804 would extend the authorization for the National Park System Advisory Board to January 1, 2020. The Advisory Board was first authorized in 1935 under the Historic Sites, Buildings, and Antiquities Act. The Board advises the Director of the National Park Service (Director) and the Secretary on matters relating to the NPS, the National Park System, and programs administered by the NPS, including the administration of the Historic Sites, Buildings, and Antiquities Act; the designation of national historic landmarks and national natural landmarks; and

the national historic significance of proposed national historic trails.

The Advisory Board meets approximately twice yearly, at the call of the Director or the Director's designee. The NPS provides support for the Advisory Board and members are appointed on a staggered-term basis for terms not to exceed 4 years. The Advisory Board has been a valuable partner of the NPS, and we look forward to continuing this partnership in the coming years. After several one-year authorizations, the NPS supports the longer time extension for this important body.

SECTION 102: NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD

H.R. 3804 would also extend the authorization for the NPS Concession Management Advisory Board for ten years, to December 31, 2019. The Concession Management Advisory Board was established on November 13, 1998 by Public Law 105–391, and is composed of seven members appointed by the Secretary. Advisory Board members must be United States citizens, and not employed by the Federal Government. Members are appointed on a staggered basis for terms not to exceed 4 years.

The Advisory Board's purpose is to advise the Secretary and the NPS on matters relating to the effective management of concessions in the National Park System. The Board helps make recommendations on ways to make the concession programs more cost effective, mitigate impacts of concession operations on park resources, improve visitor services, and allocate concession fees.

Board members are experts in hospitality, tourism, accounting, outfitting and guide industries, parks concession management, traditional arts and crafts, and parks and recreation programs, and are selected for their expertise and area of professional skills in concessions management and oversight. The combination of the expert advice and the public forum that the Board offers provides a practical approach to consider contentious concession management topics and issues.

Historically, the Board has held two to three public meetings annually. This board has also been continued by a one-year authorization and the NPS supports the longer term extension of this important body.

SECTION 103: UNIFORM PENALTIES

Section 103 of H.R. 3804 addresses a lack of uniformity in the penalties for violating regulations throughout the National Park System. Having different penalties for violation of the same NPS regulation, in parks that originated as military parks or national historic sites is confusing and inappropriate. The NPS has recognized that the framework for penalties for violating regulations in these military parks and historic sites was derived from unique historic statutes enacted over 60 years ago. This disparity in penalties may undermine effective and uniform law en-

forcement and criminal prosecution for violations on parkland.

H.R. 3804 would provide the necessary legislative authority to provide uniform, consistent penalties for NPS regulations, including in parks that originated as military parks or national historic sites. This would be accomplished by increasing the penalties for these sites from the current penalty of only a fine or a fine and/or imprisonment up to six months as provided under the NPS Organic Act, 16 U.S.C. § 3, and the long-standing fine-enhancement provision of 18 U.S.C. § 3571.

SECTION 104: VOLUNTEERS IN THE PARKS

H.R. 3804 would raise the ceiling for funding for the Volunteers in the Parks (VIP) program from $3.5 million to $10 million annually. In 1970 the VIP program started with a few hundred volunteers. Today, there are more than 175,000 VIPs helping to preserve and protect our natural and cultural resources. More than 370 NPS areas currently use VIPs. Volunteers range in age from young children to senior citizens. They come from all over the United States, and the world, bringing different backgrounds, skills, and talents that enrich our park programs.

The increase in the VIP ceiling proposed in H.R. 3804 is needed to more accurately reflect the resources that are being devoted to this popular program. Although the enacted levels for the VIP program were $2.794 million in FY 2009 and $2.797 million in FY 2010, expenditures for the program were $5.021 million in FY 2008 and $4.753 million (with a few expenditure reports outstanding) for FY 2009—the two most recent years for which data is available. With the President's and the Secretary of the Interior's emphasis on the importance of volunteerism, the increased ceiling would allow the NPS to recognize the benefits offered by our many volunteers each year.

TITLE II: PEARL HARBOR TICKETING

World War II Valor in the Pacific National Monument includes 11 acres at Halawa Landing at Pearl Harbor and the USS *Oklahoma* Memorial across the harbor on Ford Island. The NPS and the U.S. Navy are developing an overarching Memorandum of Understanding to address cooperative management at Pearl Harbor.

The Pearl Harbor Naval Base is a secure site. Halawa Landing sits outside the main gates of the Base, but still within the area for enhanced security, and visitors arrive by tour bus, public transit or private car. Access to Ford Island is permitted only by shuttle bus.

In addition to the NPS's USS *Arizona* Memorial Visitor Center, there are two other Pearl Harbor partner-operated historic sites that are accessed through the NPS facility: the Battleship Missouri Memorial and the Pacific Aviation Museum. Visitors surrender all bags and luggage before entering the NPS facility to visit NPS sites or the partner-operated sites. Currently, the other partner at Halawa

Landing, the USS *Bowfin* Submarine Museum, requires visitors to store their bags in a separate secure facility.

The NPS is in the midst of a $50 million replacement of the USS *Arizona* Memorial Visitor Center, at Halawa Landing. When completed, this new facility will include space for a ticket counter for the Pearl Harbor historic sites partners to sell their tickets, which will be adjacent to the NPS information and ticketing counter.

Free admission to the USS *Arizona* Memorial is required by law. If H.R. 3804 is enacted, visitors would approach the NPS ticket booth at the entrance to the Visitor Center and receive a free, timed ticket to the USS *Arizona* Memorial. At the same time, visitors would be able to purchase all their tickets to other Pearl Harbor historic sites and plan their visit. H.R. 3804 would authorize NPS to work with our partners on a joint ticketing operation, and recover a reasonable fee to cover any administrative costs associated with such operation.

Our partners at Pearl Harbor enhance visitor understanding and increase appreciation for World War II Pacific Theatre history. Entrance fees to Pearl Harbor historic sites are the partners' critical source of revenue for operations and allowing the sale of their tickets at the NPS visitor center supports the NPS's broader mission to tell the story of the Pacific Theater. Joint ticket sales would be the next step in enhancing the visitor experience and our partnership. For example, visitors waiting for the launch to the USS *Arizona* Memorial would have additional time to explore the USS *Bowfin* Museum, or start their tours on Ford Island, returning to board their launch to the USS *Arizona* Memorial.

Section 121 of Public Law 111–88—The Department of the Interior, Environment and Related Agencies Appropriations Act, 2010, enacted on October 30, 2009, provides the same authority contained in Title II of H.R. 3804 regarding Pearl Harbor Ticketing for fiscal year 2010. However, the permanent authority provided by H.R. 3804 remains necessary.

SECTION 301: GEORGE WASHINGTON MEMORIAL PARKWAY

Section 301 of H.R. 3804 would address a long-standing access issue on the George Washington Memorial Parkway. The Claude Moore Colonial Farm (Farm) is a 68.5-acre working colonial farm, part of the 235-acre Langley Tract property that was transferred to the George Washington Memorial Parkway in 1971 to provide public recreation and open space. The greenhouses, administrative offices, staff parking, a storage area for Farm equipment, and animal pens are located in the administration and maintenance area of the Farm. Colonial Farm Road forms the eastern boundary between the Langley Tract and the Farm and provides the main public access to the Farm from Georgetown Pike. In addition to providing Farm access, Colonial Farm Road serves as an entrance road to the Federal Highway Administration's Turner-Fairbank High-

way Research Center (Research Center) and the George Bush Center for Intelligence (CIA).

The three federal agencies have discussed concerns about crossing property lines, the need to have uninterrupted access to their properties, and the need to improve security (visibility) near perimeter fencing of the Research Center. They have identified properties suitable for exchange that would provide access to the Farm's administrative and maintenance area and the means to improve security outside the fencing of the Research Center and CIA acceptable to NPS standards.

H.R. 3804 would authorize the transfer of administrative jurisdiction of land between the NPS and the Federal Highway Administration to provide the NPS with a separate access road in the administration and maintenance area for the Farm that will not go through the Research Center. In exchange, NPS would provide the Federal Highway Administration with a visible buffer on parkland outside the perimeter fence of the Research Center. NPS would also place use restrictions on another parcel of land to improve security of the Research Center.

SECTION 302: DC SNOW REMOVAL

Section 302 of H.R. 3804 addresses snow removal within the District of Columbia. The Chief of Engineers of the U.S. Army was originally given responsibility for snow removal on sidewalks in front of all buildings owned or leased by the United States (except the Capitol grounds and the Library of Congress) and from all sidewalks or crosswalks used as public thoroughfares in and around all public squares, reservations, or open spaces within the fire limits of the District of Columbia. In 1925, the duties of the Chief of Engineers were transferred to the Director of Public Buildings and Public Parks of the National Capital, and subsequently to the NPS.

The NPS has not removed snow from the sidewalks of non-NPS buildings and lots for more than thirty years. Instead, the respective federal agency has taken responsibility for snow removal on public thoroughfares or on sidewalks or crosswalks in front of buildings that are owned or leased by the United States and are under such agency's administrative jurisdiction. The General Services Administration (GSA), which operates, protects, and maintains most government-owned and leased buildings and grounds in the District of Columbia, has regulations at 41 CFR Part 102–74 providing that GSA maintains and repairs such sidewalks and that snow removal is part of its complete facility maintenance schedule. The D.C. Snow Removal Act of 1922 was never amended, however, to reflect the effective change in responsibility.

H.R. 3804 would amend the D.C. Snow Removal Act of 1922 to clarify that each federal agency would be responsible for property owned by the United States and under that agency's administrative jurisdiction, including snow removal. This would make the law consistent with modern

snow removal practices and would change the time period for snow removal to reflect the realities of street snow removal where plows usually clear the streets by pushing snow onto the adjacent sidewalks, and where additional time is necessary to remove it. The legislation also would allow for the duty of a federal agency to be delegated to another governmental or nongovernmental entity through a lease, contract, or other comparable arrangement. If two federal agencies have overlapping responsibility for the same sidewalk, the bill would provide the authority for the agencies to enter into an arrangement assigning responsibility.

SECTION 303: MARTIN LUTHER KING, JR. NATIONAL HISTORICAL PARK

H.R. 3804 would redesignate the Martin Luther King, Junior, National Historic Site as a National Historical Park to reflect its multiple properties and broad themes, and provide a new map reference for the park, which reflects the proposed name change and indicates a land exchange that occurred in 2004.

SECTION 304: LAVA BEDS NATIONAL WILDERNESS BOUNDARY ADJUSTMENT

H.R. 3804 would correct errors in the 1972 law that designated wilderness at Lava Beds National Monument. Through the substitution of a new wilderness boundary map, certain improved areas would be excluded from wilderness and other areas that are appropriate for designation would be included.

Adding and subtracting parts of the two wilderness areas would produce a net increase of 399 acres in the actual amount of designated wilderness. Although the 1972 law provides for about 10,000 acres of wilderness in the Black Lava Flow area and about 18,460 in the Schonchin Lava Flow area, a 1993 survey that used Geographic Information Systems (GIS) and a map produced by the U.S. Geological Survey found that the actual acreage in the two wilderness areas is 10,125 and 17,936 respectively. The proposed legislation would provide for about 10,431 acres within the Black Lava Flow area and about 18,029 acres in the Schonchin Lava Flow area, and the map referenced in H.R. 3804 depicts two wilderness areas with the same amount of acreage as those two figures indicate. Added together, the acreage of the two wilderness areas would be the same total amount (28,460) that Congress intended to designate in the 1972 law, only distributed differently between the two areas and measured more accurately.

This proposal is consistent with Lava Bed National Monument's 1996 General Management Plan and 2006 Wilderness Stewardship Plan. The only costs anticipated from this proposal would be for signs and maps, which would be negligible.

OTHER PROVISIONS

Finally, Title IV of H.R. 3804 would make technical corrections to several acts that involve a national seashore, wild and scenic rivers, and national heritage areas addressing a number of small issues for various parks that have been needed for a long time. We look forward to working with you for their enactment.

Mr. Chairman, that concludes my statement. I would be happy to answer any questions that you or other members of the Subcommittee may have.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the Act H.R. 3804 as ordered reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

A. HISTORIC SITES, BUILDINGS, AND ANTIQUITIES ACT

AN ACT To provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes

(Approved August 21, 1935; 16 U.S.C. 461 et seq.)

* * * * * * *

SEC. 2. The Secretary of the Interior (hereinafter referred to as the Secretary), through the National Park Service, for the purpose of effectuating the policy expressed in section 1 hereof, shall have the following powers and perform the following duties and functions:

(a) Secure, collate, and preserve drawings, plans, photographs, and other data of historic and archaeologic sites, buildings, and objects.

* * * * * * *

(k) Perform any and all acts, and make such rules and regulations not inconsistent with this Act as may be necessary and proper to carry out the provisions thereof. Any person violating any of the rules and regulations authorized by this Act shall be punished by a fine of not more than $500 and be adjudged to pay all [cost of the proceedings.] *cost of the proceedings; except if the violation occurs within an area that is part of the National Park System, where violations shall be subject to the penalty provision set forth in section 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly known as the "National Park Service Organic Act"), and section 3571 of title 18, United States Code.*

SEC. 3. (a) There is hereby established a National Park System Advisory Board, whose purpose shall be to advise the Director of the National Park Service on matters relating to the National Park Service, the National Park System, and programs administered by the National Park Service.

* * * * * * *

(f) The National Park System Advisory Board shall continue to exist until January 1, [2010] *2020.* The provisions of section 14(b) of the Federal Advisory Committee Act (the Act of October 6, 1972; 86 Stat. 776) are hereby waived with respect to the Board, but in all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

* * * * * * *

B. NATIONAL PARKS OMNIBUS MANAGEMENT ACT OF 1998

AN ACT To provide for improved management and increased accountability for certain National Park Service programs, and for other purposes

(Public Law 105–319; Approved November 13, 1998)

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "National Parks Omnibus Management Act of 1998".

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TITLE IV—NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT IMPROVEMENT ACT OF 1998 (16 U.S.C. 5951 et seq.)

* * * * * * *

SEC. 401. SHORT TITLE.

This Act may be cited as the "National Park Service Concessions Management Improvement Act of 1998".

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SEC. 409. NATIONAL PARK SERVICE CONCESSIONS MANAGEMENT ADVISORY BOARD.

(a) ESTABLISHMENT.—There is hereby established a National Park Service Concessions Management Advisory Board (in this title referred to as the "Advisory Board") whose purpose shall be to advise the Secretary and National Park Service on matters relating to management of concessions in the National Park System.

* * * * * * *

(d) TERMINATION.—The Advisory Board shall continue to exist until December 31, [2009] *2019.* In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.

* * * * * * *

C. NATIONAL MILITARY PARKS, MONUMENTS, ETC.

AN ACT To provide for the protection of national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials under the control of the War Department

(Approved March 2, 1933; 16 U.S.C. 9a)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized to prescribe and publish such regulations as he deems necessary for the proper government and

protection of, and maintenance of good order in, national military parks, national parks, battlefield sites, national monuments, and miscellaneous memorials as are now or hereafter may be under the control of the Department of the Army; and any person who knowingly and willfully violates any such regulation shall be deemed guilty of a misdemeanor and punishable by a fine of not more than $100 or by imprisonment for not more than three months, or by both [such fine and imprisonment.] *such fine and imprisonment; except if the violation occurs within a park, site, monument, or memorial that is part of the National Park System, where violations shall be subject to the penalty provision set forth in section 3 of the Act of August 25, 1916 (16 U.S.C. 3; commonly known as the "National Park Service Organic Act") and section 3571 of title 18, United States Code.*

* * * * * * *

D. VOLUNTEERS IN THE PARKS ACT OF 1969

AN ACT To authorize the Secretary of the Interior to establish a volunteers in the park program, and for other purposes

(Public Law 91–357; Approved July 29, 1970)

* * * * * * *

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(16 U.S.C. 18j)

There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not more than [$3,500,000] *$10,000,000* shall be appropriated in any one year.

* * * * * * *

E. DISTRICT OF COLUMBIA, SNOW AND ICE REMOVAL

AN ACT Providing for the removal of snow and ice from the paved sidewalks of the District of Columbia

(67 P.L. 304; 67 Cong. Ch. 318; 42 Stat. 845; Approved September 16, 1922)

[SEC. 3. That it shall be the duty of the Chief Engineer of the United States Army, within the first eight hours of daylight after the ceasing to fall of any snow or sleet, or after the accumulation of ice upon the paved sidewalks within the fire limits of the District of Columbia, to remove or cause to be removed from such sidewalks as are in front of or adjacent to all buildings owned or leased by the United States, except the Capitol buildings and grounds and the Congressional Library building, and from all paved sidewalks or crosswalks used as public thoroughfares in front of, around, or through all public squares, reservations, or open spaces within the fire limits of the District of Columbia, owned or leased by the United States, such snow, sleet, and ice; but in the event of inability to remove such accumulation of snow, sleet, and ice, by reason of the hardening thereof, without injury to the sidewalk, it shall be his duty, within the first eight hours of daylight after the hardening of such snow, sleet, and ice, to make reasonably safe for trav-

el, or cause to be made reasonably safe for travel, by the sprinkling of sand or ashes thereon, such paved sidewalks and crosswalks, and shall, as soon thereafter as the weather shall permit, thoroughly clean said sidewalks and crosswalks.] *SEC. 3. (a) It shall be the duty of a Federal agency to remove, or cause to be removed, snow, sleet, or ice from paved sidewalks and crosswalks within the fire limits of the District of Columbia that are—*

(1) in front of or adjacent to buildings owned by the United States and under such Federal agency's jurisdiction; or

(2) public thoroughfares in front of, around, or through public squares, reservations, or open spaces and that are owned by the United States and under such Federal agency's jurisdiction.

(b) The snow, sleet, or ice removal required by subsection (a) shall occur within a reasonable time period after snow or sleet ceases to fall or after ice has accumulated. In the event that snow, sleet, or ice has hardened and cannot be removed, such Federal agency shall—

(1) make the paved sidewalks and crosswalks under its jurisdiction described in subsection (a) reasonably safe for travel by the application of sand, ashes, salt, or other acceptable materials; and

(2) as soon as practicable, thoroughly remove the snow, sleet, or ice.

(c)(1) The duty of a Federal agency described in subsections (a) and (b) may be delegated to another governmental or nongovernmental entity through a lease, contract, or other comparable arrangement.

(2) If two or more Federal agencies have overlapping responsibility for the same sidewalk or crosswalk they may enter into an arrangement assigning responsibility.

* * * * * * *

F. MARTIN LUTHER KING, JUNIOR, NATIONAL HISTORIC SITE

AN ACT To establish the Martin Luther King, Junior, National Historic Site in the State of Georgia, and for other purposes

(Public Law 96–428; Approved October 10, 1980; 16 U.S.C. 461 note)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in order to protect and interpret for the benefit, inspiration, and education of present and future generations the places where Martin Luther King, Junior, was born, where he lived, worked, and worshipped, and where he is buried, there is hereby established the [Martin Luther King, Junior, National Historic Site] *Martin Luther King, Jr. National Historical Park* in the State of Georgia. The national [historic site] *historical park* shall consist of that real property in the city of Atlanta, Georgia, within the boundary generally depicted on [the map entitled "Martin Luther King, Junior, National Historic Site Boundary Map", number 489/80,013B, and dated September 1992] *the map titled "Martin Luther King, Jr. National Historical Park", numbered 489/80,032, and dated April 2009* together with the property known as 234 Sunset Avenue, Northwest.

The map referred to in this subsection shall be on file and available for public inspection in the local and Washington, District of Columbia offices of the National Park Service, Department of the Interior.

(b) In furtherance of the purposes of this Act, there is hereby established the Martin Luther King, Junior, Preservation District, which shall consist of the area identified as "Preservation District" in the map referred to in subsection (a) of this section.

SEC. 2. (a) The Secretary of the Interior (hereinafter referred to as "the Secretary") shall administer the [Martin Luther King, Junior, National Historic Site] *Martin Luther King, Jr. National Historical Park* and Preservation District in accordance with the provisions of this Act, and the provisions of law generally applicable to national historic sites, including the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–7).

(b)(1) Within the national [historic site] *historical park* the Secretary is authorized to acquire by donation, purchase with donated or appropriated funds, transfer, or exchange, lands and interests therein, except that property owned by the State of Georgia or any political subdivision thereof may be acquired only by donation or exchange.

* * * * * * *

(3) Property may be acquired pursuant to this section subject to such conditions and reservations as in the judgment of the Secretary are not inconsistent with the purposes of this Act and the administration of the national [historic site] *historical park*, including, in the event that the burial site of Martin Luther King, Junior, is acquired, the condition that his window may be interred therein.

* * * * * * *

(5) Structural space requirements of the National Park Service to meet its administration, operational, and interpretive functions for the national [historic site] *historical park* and preservation district shall, to the maximum extent feasible without displacing residents, be met within the district through the adaptive use of existing structures.

SEC. 3. (a) Within the national [historic site] *historical park*, the Secretary may convey a freehold or leasehold interest in any property, for such sums as he deems appropriate, and subject to such terms and conditions and reservations as will assure the use of the property in a manner which is, in the judgment of the Secretary, consistent with the purposes of this Act and the administration of the national [historic site] *historical park*. The Secretary shall offer the last owner or tenant of record a reasonable opportunity to purchase or lease, as appropriate, the property proposed to be conveyed prior to any conveyance under this subsection, and in the case of a lease to such tenant of record, the initial rental charge shall not be substantially more than the last rent paid by the tenant for that property, with any future increases not to exceed the general escalation of rental rates in the surrounding area.

* * * * * * *

(c) The Secretary may, in carrying out his authorities with respect to the interpretation of properties within the national [historic site] *historical park* and the preservation district, accept the services and assistance, with or without reimbursement therefor, of qualified persons and entities to the extent he deems necessary and appropriate. Funds appropriated for the purposes of this Act may be expended for the improvement, restoration, and maintenance of properties in which the Secretary has acquired a leasehold interest.

(d) Notwithstanding any other provision of law, the Secretary shall give first preference to the Martin Luther King, Junior, Center for Social Change with respect to any contract for a concession to sell books, postcards, tapes, or similar types of appropriate mementos related to the purpose of this Act, on facilities operated and maintained by the Secretary within the [historic site] *historical park*: Provided, That agreement can be reached on terms and conditions acceptable to the Secretary.

* * * * * * *

SEC. 4. (a) There is hereby established the [Martin Luther King, Junior, National Historic Site] *Martin Luther King, Jr. National Historical Park* Advisory Commission (hereinafter referred to in this section as the "Commission"). The Commission shall consist of thirteen members, eleven of whom shall be appointed by the Secretary as follows:

* * * * * * *

(c) The function of the Commission shall be to:

(1) advise the Secretary with respect to the formulation and execution of plans for and the overall administration of the national [historic site] *historical park* and the preservation district, including advice with respect to the consummation of cooperative agreements, and interpretation of properties, and the use and appreciation of the national [historic site] *historical park* and the preservation district by the public;

* * * * * * *

SEC. 5. Notwithstanding any other provision of law, no fees shall be charged for entrance or admission to the national [historic site] *historical park* or the preservation district established by this Act.

* * * * * * *

SEC. 8. Within three complete fiscal years from the effective date of this Act, the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a comprehensive general management plan for the [historic site] *historical park* and the preservation district consistent with the provisions of this Act and pursuant to the provisions of section 12(b) of the Act of August 18, 1970 (84 Stat. 825), as amended (16 U.S.C. 1a–1 et seq.).

* * * * * * *

G. LAVA BEDS NATIONAL MONUMENT WILDERNESS AREA

AN ACT To designate certain lands in the Lava Beds National Monument in California, as wilderness

(Public Law 92–493; Approved October 13, 1972; 16 U.S.C. 1132 note)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That, in] *SECTION 1. In* accordance with section 3(c) of the Wilderness Act (78 Stat. 892; 16 U.S.C. 1132(c)), those lands within the area generally known as the Black Lava Flow in the Lava Beds National Monument comprising about [ten thousand acres, as depicted on the map entitled "Wilderness Plan, Lava Beds National Monument, California", numbered NM–LB–3227H and dated August 1972, and those lands within the area generally known as the Schonchin Lava Flow comprising about eighteen thousand four hundred and sixty acres, as depicted on such map, are hereby designated as wilderness.] *10,431 acres, as depicted within the proposed wilderness boundary on the map titled "Lava Beds National Monument, Proposed Wilderness Boundary Adjustment", numbered 147/80,015, and dated September 2005, and those lands within the area generally known as the "Schonchin Lava Flow", comprising approximately 18,029 acres, as depicted within the proposed wilderness boundary on the map, are designated as wilderness.* The map and a description of the boundary of such lands shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior.

* * * * * * *

H. OMNIBUS PUBLIC LAND MANAGEMENT ACT OF 2009

AN ACT To designate certain land as components of the National Wilderness Preservation System, to authorize certain programs and activities in the Department of the Interior and the Department of Agriculture, and for other purposes

(Public Law 111–11; Approved March 30, 2009; 16 U.S.C. 1 note)

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Omnibus Public Land Management Act of 2009".

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TITLE V—RIVERS AND TRAILS

Subtitle A—Additions to the National Wild and Scenic Rivers System

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SEC. 5002. SNAKE RIVER HEADWATERS, WYOMING.

(16 U.S.C. 1274 note)

(a) SHORT TITLE.—This section may be cited as the "Craig Thomas Snake Headwaters Legacy Act of 2008".

* * * * * * *

(c) DEFINITIONS.—In this section:

(1) SECRETARY CONCERNED.—The term "Secretary concerned" means—

(A) the Secretary of Agriculture (acting through the Chief of the Forest Service), with respect to each river segment described in [paragraph (205) of section 3(a)] *paragraph (206) of section 3(a)* of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is not located in—

* * * * * * *

(B) the Secretary of the Interior, with respect to each river segment described in [paragraph (205) of section 3(a)] *paragraph (206) of section 3(a)* of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as added by subsection (d)) that is located in—

* * * * * * *

SEC. 5003. TAUNTON RIVER, MASSACHUSETTS.

(16 U.S.C. 1274 note)

(a) DESIGNATION.—Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) (as amended by section 5002(d)) is amended by adding at the end the following:

* * * * * * *

(b) MANAGEMENT OF TAUNTON RIVER, MASSACHUSETTS.—

(1) TAUNTON RIVER STEWARDSHIP PLAN.—

(A) IN GENERAL.—Each river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a)) shall be managed in accordance with the Taunton River Stewardship Plan, dated July 2005 (including any amendment to the Taunton River Stewardship Plan that the Secretary of the Interior (referred to in this subsection as the "Secretary") determines to be consistent with this section).

* * * * * * *

(2) COOPERATIVE AGREEMENTS.—To provide for the long-term protection, preservation, and enhancement of each river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a)), pursuant to sections 10(e) and 11(b)(1) of the Wild and Scenic Rivers Act (16 U.S.C. 1281(e) and 1282(b)(1)), the Secretary may enter into cooperative agreements (which may include provisions for financial and other assistance) with—

* * * * * * *

(3) RELATION TO NATIONAL PARK SYSTEM.—Notwithstanding section 10(c) of the Wild and Scenic Rivers Act

(16 U.S.C. 1281(c)), each river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a)) shall not be—

* * * * * * *

(4) LAND MANAGEMENT.—

(A) ZONING ORDINANCES.—The zoning ordinances adopted by the Towns of Bridgewater, Halifax, Middleborough, Raynham, Berkley, Dighton, Freetown, and Somerset, and the Cities of Taunton and Fall River, Massachusetts (including any provision of the zoning ordinances relating to the conservation of floodplains, wetlands, and watercourses associated with any river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a))), shall be considered to satisfy each standard and requirement described in section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)).

(B) VILLAGES.—For the purpose of section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), each town described in subparagraph (A) shall be considered to be a village.

(C) ACQUISITION OF LAND.—

(i) LIMITATION OF AUTHORITY OF SECRETARY.—With respect to each river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may only acquire parcels of land—

(I) by donation; or

(II) with the consent of the owner of the parcel of land.

(ii) PROHIBITION RELATING TO ACQUISITION OF LAND BY CONDEMNATION.—In accordance with section 6(c) of the Wild and Scenic Rivers Act (16 U.S.C. 1277(c)), with respect to each river segment designated by [section 3(a)(206)] *section 3(a)(207)* of the Wild and Scenic Rivers Act (as added by subsection (a)), the Secretary may not acquire any parcel of land by condemnation.

* * * * * * *

TITLE VIII—NATIONAL HERITAGE AREAS

Subtitle A—Designation of National Heritage Areas

* * * * * * *

SEC. 8005. BALTIMORE NATIONAL HERITAGE AREA, MARYLAND.

(16 U.S.C. 461 note)

(a) DEFINITIONS.—In this section:

(b) BALTIMORE NATIONAL HERITAGE AREA.—

(1) ESTABLISHMENT.—There is established the Baltimore National Heritage Area in the State.

* * * * * * *

(3) AVAILABILITY OF MAP.—The map shall be on file and available for public inspection in the appropriate offices of the

National Park Service and the [Baltimore Heritage Area Association] *Baltimore City Heritage Area Association.*

(4) LOCAL COORDINATING ENTITY.—The [Baltimore Heritage Area Association] *Baltimore City Heritage Area Association* shall be the local coordinating entity for the Heritage Area.

* * * * * * *

(i) TERMINATION OF [EFFECTIVENESS] *FINANCIAL ASSISTANCE.*—The authority of the Secretary to provide assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

* * * * * * *

SEC. 8009. MUSCLE SHOALS NATIONAL HERITAGE AREA, ALABAMA.

(a) PURPOSES.—The purposes of this section are—

* * * * * * *

(j) TERMINATION OF [EFFECTIVENESS] *FINANCIAL ASSISTANCE.*—The authority of the Secretary to provide financial assistance under this section terminates on the date that is 15 years after the date of enactment of this Act.

* * * * * * *

I. CUMBERLAND ISLAND NATIONAL SEASHORE ACT

AN ACT To establish the Cumberland Island National Seashore in the State of Georgia, and for other purposes

(Public Law 92–536; Approved October 23, 1972)

SEC. 6. (a) The seashore shall be administered, protected, and developed in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2–4), as amended and supplemented, except that any other statutory authority available to the Secretary for the conservation and management of natural resources may be utilized to the extent he finds such authority will further the purposes of the Act.

(b) Except for certain portions of the seashore deemed to be especially adaptable for recreational uses, particularly swimming, boating, fishing, hiking, horseback riding, and other recreational activities of similar nature, which shall be developed for such uses as needed, the seashore shall be permanently preserved in its primitive state, and, except as provided in subsection (c), no development of the project or plan for the convenience of visitors shall be undertaken which would be incompatible with the preservation of the unique flora and fauna or the [physiographic conditions not prevailing] *physiographic conditions now prevailing*, nor shall any road or causeway connecting Cumberland Island to the mainland be constructed.

* * * * * * *

J. CONSOLIDATED NATURAL RESOURCES ACT OF 2008

AN ACT To authorize certain programs and activities in the Department of the Interior, the Forest Service, and the Department of Energy, to implement further the Act approving the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, to amend the Compact of Free Association Amendments Act of 2003, and for other purposes

(Public Law 110–229; Approved May 8, 2008)

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TITLE IV—NATIONAL HERITAGE AREAS

Subtitle A—Journey Through Hallowed Ground National Heritage Area

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Subtitle B—Niagara Falls National Heritage Area

(16 U.S.C. 461 note)

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SEC. 427. NIAGARA FALLS HERITAGE AREA COMMISSION.

(a) ESTABLISHMENT.—There is established within the Department of the Interior the Niagara Falls National Heritage Area Commission.

* * * * * * *

(k) USE OF FEDERAL FUNDS.—**[**Except as provided for the leasing of administrative facilities under subsection (g)(1), the**]** *The* Commission may not use Federal funds made available to the Commission under this subtitle to acquire any real property or interest in real property.

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